

REMARKS

With this Response, no Claims have been amended, Claims 28-57 have been canceled without prejudice as being drawn to a non-elected invention and no Claims have been added. Thus, after entry of this Response, Claims 1-16 are pending in the instant Application.

Applicants expressly reserve the right to file one or more continuation, continuation-in-part or divisional applications directed towards non-elected subject matter during the pendency of the captioned Application.

RESTRICTION REQUIREMENT

The Patent Office required election under 35 U.S.C. § 121 of one of the following groups of inventions:

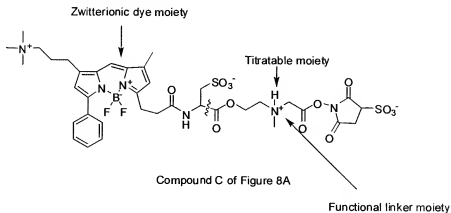
Group I: Claims 1-16 drawn to an optical labeling molecule; and

Group II: Claims 28-57 drawn to a product of Formula (I)

Applicants hereby elect the Claims of Group I without traverse.

ELECTION OF SPECIES

The Patent Office required election of species under 35 U.S.C. § 121. Applicants elect the species E in Figure 8A. Claims 1, 6, 7, 9 and 16 read on the elected species. The formula for the zwitterionic dye moiety, titratable moiety and functional linker moiety are indicated in the structure of species E below.



CONCLUSION

Applicants respectfully submit that all pending Claims of the captioned Application satisfy all requirements for patentability and are in condition for allowance. An early indication of the same is therefore respectfully requested.

No other fees beyond the extension fee are believed due in connection with this Response. However, the Commissioner is authorized to charge any required fee not included with this Response or credit any overpayment to Deposit Account No. 50-1283.


If the Examiner determines that prosecution of the instant application would benefit from a telephone interview, the Examiner is invited to call the undersigned attorney at (415)-693-2060.

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